

1
2 An act relating to financial institutions;
3 amending s. 68.065, F.S.; removing a
4 requirement that a written demand be delivered
5 as a requirement for certain recoveries on
6 worthless checks, drafts, or orders of payment;
7 amending ss. 655.043, 655.411, and 658.23,
8 F.S.; deleting provisions relating to
9 reservation of proposed names of financial
10 entities with the Department of State;
11 providing legislative intent; specifying
12 certain deposits as pay-on-death designated
13 accounts under certain circumstances; amending
14 s. 655.059, F.S.; authorizing certain
15 disclosures permitted by certain federal law;
16 amending s. 655.50, F.S.; clarifying certain
17 exemption provisions relating to reports by
18 financial institutions for money laundering
19 purposes; amending s. 658.12, F.S.; revising a
20 definition of the term banker's bank; amending
21 s. 658.165, F.S.; providing criteria for
22 formation of a banker's bank; providing
23 application; amending s. 658.19, F.S.;
24 providing for return and resubmission of
25 certain applications under certain
26 circumstances; amending s. 658.21, F.S.;
27 revising application approval criteria relating
28 to limitations on certain capital accounts and
29 experience of certain officers; amending s.
30 658.235, F.S.; clarifying a requirement for
31 subscriptions for stock; amending s. 658.25,

1 F.S.; revising bank or trust company opening
2 for business date criterion; amending s.
3 658.26, F.S.; clarifying provisions relating to
4 branch places of transacting business; revising
5 certain operational characteristics;
6 renumbering s. 663.066, F.S., as s. 658.285,
7 F.S.; amending s. 658.34, F.S.; revising a
8 condition for the issuance of authorized but
9 unissued bank or trust company capital stock;
10 amending s. 658.73, F.S.; revising certain fees
11 and assessments provisions; imposing an
12 additional fee for certain certificates;
13 amending s. 663.09, F.S.; deleting an
14 administrative fine provision for certain late
15 audits; amending s. 658.48, F.S.; revising
16 limitations on the percentage of the capital
17 accounts of the lending bank which apply to
18 loans made to any one borrower on the security
19 of shares of capital stock; revising the
20 circumstances in which a bank may not make
21 loans; repealing s. 655.81, F.S., relating to
22 deposits in trust; amending s. 655.82, F.S.;
23 prescribing survivorship rights among
24 beneficiaries of pay-on-death accounts;
25 providing effective dates.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Subsection (3) of section 68.065, Florida
30 Statutes, is amended to read:

31

1 68.065 Actions to collect worthless checks, drafts, or
2 orders of payment; attorney's fees and collection costs.--

3 (3) Before recovery under subsection (1) ~~or subsection~~
4 ~~(2)~~ may be claimed, a written demand shall be delivered by
5 certified or registered mail, evidenced by return receipt, to
6 the maker or drawer of the check, draft, or order of payment.
7 The form of such notice shall be substantially as follows:

8
9 "You are hereby notified that a check numbered in
10 the face amount of \$.... issued by you on ...(date)..., drawn
11 upon ...(name of bank)..., and payable to, has been
12 dishonored. Pursuant to Florida law, you have 30 days from
13 receipt of this notice to tender payment in cash of the full
14 amount of the check plus a service charge of \$25, if the face
15 value does not exceed \$50, \$30, if the face value exceeds \$50
16 but does not exceed \$300, \$40, if the face value exceeds \$300,
17 or 5 percent of the face amount of the check, whichever is
18 greater, the total amount due being \$.... and cents.
19 Unless this amount is paid in full within the 30-day period,
20 the holder of the check or instrument may file a civil action
21 against you for three times the amount of the check, but in no
22 case less than \$50, in addition to the payment of the check
23 plus any court costs, reasonable attorney fees, and any bank
24 fees incurred by the payee in taking the action."

25 Section 2. Section 655.043, Florida Statutes, is
26 amended to read:

27 655.043 Articles of incorporation; amendments;
28 approval.--

29 ~~(1)~~ A bank, trust company, or association may not
30 amend its articles of incorporation without the written
31 approval of the department.

1 ~~(2) The department may not approve any amendment to~~
2 ~~the articles of incorporation which requests a change in name~~
3 ~~of the bank, trust company, or association without evidence~~
4 ~~that the proposed new name has been reserved with the~~
5 ~~Department of State.~~

6 Section 3. (1) Because deposits in trust are also
7 accounts with a pay-on-death designation as described in
8 section 655.82, Florida Statutes, it is the intent of the
9 Legislature that the provisions of section 655.82, Florida
10 Statutes, shall apply to and govern deposits in trust.
11 References to section 655.81, Florida Statutes, in any
12 depository agreement shall be interpreted after the effective
13 date of this act as references to section 655.82, Florida
14 Statutes.

15 (2) This section shall take effect July 1, 2001, and
16 shall apply to deposits made to a depository account created
17 after December 31, 1994.

18 Section 4. Paragraph (b) of subsection (2) of section
19 655.059, Florida Statutes, is amended to read:

20 655.059 Access to books and records; confidentiality;
21 penalty for disclosure.--

22 (2)

23 (b) The books and records pertaining to the deposit
24 accounts and loans of depositors, borrowers, members, and
25 stockholders of any financial institution shall be kept
26 confidential by the financial institution and its directors,
27 officers, and employees and shall not be released except upon
28 express authorization of the account holder as to her or his
29 own accounts, loans, or voting rights. However, information
30 relating to any loan made by a financial institution may be
31 released without the borrower's authorization in a manner

1 prescribed by the board of directors for the purpose of
2 meeting the needs of commerce and for fair and accurate credit
3 information. Information may also be released, without the
4 authorization of a member or depositor but in a manner
5 prescribed by the board of directors, to verify or corroborate
6 the existence or amount of a customer's or member's account
7 when such information is reasonably provided to meet the needs
8 of commerce and to ensure accurate credit information. In
9 addition, a financial institution, affiliate, and its
10 subsidiaries, and any holding company of the financial
11 institution or subsidiary of such holding company, may furnish
12 to one another information relating to their customers or
13 members, subject to the requirement that each corporation
14 receiving information that is confidential maintain the
15 confidentiality of such information and not provide or
16 disclose such information to any unaffiliated person or
17 entity. Notwithstanding this paragraph, nothing in this
18 subsection shall prohibit a financial institution from
19 disclosing financial information as referenced in this
20 subsection as permitted by Public Law 106-102(1999), as set
21 forth in 15 U.S.C.A., s. 6802, as amended.

22 Section 5. Paragraph (c) of subsection (1) of section
23 655.411, Florida Statutes, is amended to read:

24 655.411 Conversion of charter.--

25 (1) Any financial entity may apply to the department
26 for permission to convert its charter without a change of
27 business form or convert its charter in order to do business
28 as another type of financial entity in accordance with the
29 following procedures:

30 (c) The department shall approve the plan if it finds
31 that:

1 1. The resulting financial entity would have an
2 adequate capital structure with regard to its activities and
3 its deposit liabilities.

4 2. The proposed conversion would not cause a
5 substantially adverse effect on the financial condition of any
6 financial entity already established in the primary service
7 area.

8 3. The officers and directors have sufficient
9 experience, ability, and standing to indicate reasonable
10 promise for successful operation of the resulting financial
11 entity.

12 ~~4. The proposed name of the resulting financial entity~~
13 ~~has been reserved with the Department of State.~~

14 4.5. The schedule for termination of any nonconforming
15 activities and disposition of any nonconforming assets and
16 liabilities is reasonably prompt, and the plan for such
17 termination and disposition does not include any unsafe or
18 unsound practice.

19 ~~5.6.~~ None of the officers or directors has been
20 convicted of, or pled guilty or nolo contendere to, a
21 violation of s. 655.50, relating to the Florida Control of
22 Money Laundering in Financial Institutions Act; chapter 896,
23 relating to offenses related to financial transactions; or any
24 similar state or federal law.

25
26 If the department disapproves the plan, it shall state its
27 objections and give an opportunity to the parties to amend the
28 plan to overcome such objections. The department may deny an
29 application by any financial entity which is subject to a
30 cease and desist order or other supervisory restriction or
31

1 order imposed by any state or federal supervisory authority,
2 insurer, or guarantor.

3 Section 6. Subsection (6) and paragraph (d) of
4 subsection (8) of section 655.50, Florida Statutes, are
5 amended to read:

6 655.50 Florida Control of Money Laundering in
7 Financial Institutions Act; reports of transactions involving
8 currency or monetary instruments; when required; purpose;
9 definitions; penalties.--

10 (6) ~~Unless otherwise provided by rule, a financial~~
11 ~~institution may exempt from the reporting requirements of this~~
12 ~~section deposits, withdrawals, exchanges, or payments exempted~~
13 ~~from the reporting requirements of 31 U.S.C. s. 5313. Each~~
14 ~~financial institution shall maintain a record of each~~
15 designation of a person granted exemption under the authority
16 of 31 U.S.C. s. 5313 granted, including any the name, address,
17 and type of business, taxpayer identification number of the
18 exempt person, as well as the name and address of the
19 financial institution, account number, and the signature of
20 the financial institution official designating the exempt
21 person customer granted the exemption; a written statement
22 ~~describing in detail the customary conduct of the lawful~~
23 ~~business of that customer and the reasons why such customer~~
24 ~~qualified for such an exemption; the type of transactions~~
25 ~~exempted; and the dollar limit of each exempt transaction.~~
26 Such record of exemptions shall be made available to the
27 department for inspection and copying and shall be submitted
28 to the department within 15 days after request.

29 (8)

30 (d) The financial institution shall retain a copy of
31 all records of exemption for each designation of exempt person

1 ~~made customer granted~~ pursuant to subsection (6) for a minimum
2 of 5 calendar years after termination of exempt status of such
3 customer. However, if it is known by the financial institution
4 that the customer or the transactions of the customer are the
5 subject of an existing criminal proceeding, the records shall
6 be retained for a minimum of 10 calendar years after
7 termination of exempt status of such customer.

8 Section 7. Subsection (3) of section 658.12, Florida
9 Statutes, is amended to read:

10 658.12 Definitions.--Subject to other definitions
11 contained in the financial institutions codes and unless the
12 context otherwise requires:

13 (3) "Banker's bank" means a bank insured by the
14 Federal Deposit Insurance Corporation, or a holding company
15 which owns or controls such an insured bank, when the stock of
16 such bank or holding company is owned exclusively by other
17 banks and such bank or holding company and all subsidiaries
18 thereof are engaged exclusively in providing services for
19 other financial depository institutions and their officers,
20 directors, and employees.

21 Section 8. Present subsection (4) of section 658.165,
22 Florida Statutes, is renumbered as subsection (6), and new
23 subsections (4) and (5) are added to that section, to read:

24 658.165 Banker's banks; formation; applicability of
25 financial institutions codes; exceptions.--

26 (4) A banker's bank may provide services at the
27 request of financial institutions in organizations that have:

28 (a) Received conditional regulatory approval from the
29 department in the case of a state bank or preliminary approval
30 from the Office of the Comptroller of the Currency in the case
31 of a national bank.

1 (b) Filed articles of incorporation pursuant to s.
2 658.23 in the case of a state bank, or filed acceptable
3 articles of incorporation and an organization certificate in
4 the case of a national bank.

5 (c) Received capital funds in an amount not less than
6 the minimum capitalization required in any notice of or order
7 granting conditional regulatory approval.

8 (5) A banker's bank may provide services to the
9 organizers of a proposed financial institution that has not
10 received conditional regulatory approval provided that such
11 services are limited to the financing of the expenses of
12 organizing such financial institution and expenses relating to
13 the acquisition or construction of the institution's proposed
14 operating facilities and associated fixtures and equipment.

15 Section 9. Subsection (3) is added to section 658.19,
16 Florida Statutes, to read:

17 658.19 Application for authority to organize a bank or
18 trust company.--

19 (3) Notwithstanding chapter 120, an application may be
20 returned to the applicant, on a one-time basis, for correction
21 of substantial deficiencies and may be resubmitted without
22 payment of an additional fee if such resubmission takes place
23 within 60 days after the date the department returns the
24 application.

25 Section 10. Section 658.21, Florida Statutes, is
26 amended to read:

27 658.21 Approval of application; findings
28 required.--The department shall approve the application if it
29 finds that:

30 (1) Local conditions indicate reasonable promise of
31 successful operation for the proposed state bank or trust

1 company. In determining whether an applicant meets the
2 requirements of this subsection, the department shall consider
3 all materially relevant factors, including:

4 (a) The purpose, objectives, and business philosophy
5 of the proposed state bank or trust company.

6 (b) The projected financial performance of the
7 proposed bank or trust company.

8 (c) The feasibility of the proposed bank or trust
9 company, as stated in the business plan, particularly with
10 respect to asset and liability growth and management.

11 (2) The proposed capitalization is in such amount as
12 the department deems adequate, but in no case may the total
13 capital accounts at opening for a bank be less than ~~\$6~~^{\$4}
14 million if the proposed bank is to be located in any county
15 which is included in a metropolitan statistical area, or ~~\$4~~^{\$2}
16 million if the proposed bank is to be located in any other
17 county. The total capital accounts at opening for a trust
18 company may not be less than \$2 million. Of total capital
19 accounts at opening, as noted in the application or amendments
20 or changes to the application, at least 25 percent of the
21 capital shall be directly owned or controlled by the
22 organizing directors of the bank. Directors of banks owned by
23 single-bank holding companies shall have direct ownership or
24 control of at least 25 percent of the bank holding company's
25 capital accounts.The department may disallow illegally
26 obtained currency, monetary instruments, funds, or other
27 financial resources from the capitalization requirements of
28 this section.

29 (3) The proposed capital structure is in such form as
30 the department may require, but, at a minimum, every state
31 bank or trust company hereafter organized shall establish+

1 ~~(a)~~ paid-in capital equal in amount to not less than
2 50 percent of its total capital accounts and-

3 ~~(b)~~ a paid-in surplus equal in amount to not less than
4 20 percent of its paid-in capital.

5 ~~(c) A fund to be designated as undivided profits equal~~
6 ~~in amount to not less than 5 percent of its paid-in capital.~~

7 (4) The proposed officers have sufficient financial
8 institution experience, ability, standing, and reputation and
9 the proposed directors have sufficient business experience,
10 ability, standing, and reputation to indicate reasonable
11 promise of successful operation, and none of the proposed
12 officers or directors has been convicted of, or pled guilty or
13 nolo contendere to, any violation of s. 655.50, relating to
14 the Florida Control of Money Laundering in Financial
15 Institutions Act; chapter 896, relating to offenses related to
16 financial institutions; or any similar state or federal law.
17 At least two ~~one~~ of the proposed directors who are ~~is~~ not also
18 ~~a~~ proposed officers ~~officer~~ shall have had at least 1 year
19 direct experience as an executive officer, regulator, or
20 director of a financial institution within 3 years of the date
21 of the application. However, this requirement may be waived by
22 the department if the applicant demonstrates that at least one
23 of the proposed directors ~~director~~ has very substantial
24 experience as an executive officer, director, or regulator of
25 a financial institution more than 3 years before the date of
26 the application, the department may modify the requirement and
27 allow only one director to have direct financial institution
28 experience within the last 3 years. The proposed president or
29 chief executive officer shall have had at least 1 year of
30 direct experience as an executive officer, director, or
31 regulator of a financial institution within the last 3 years.

1 (5) The corporate name of the proposed state bank or
2 trust company is approved by ~~reserved with~~ the department of
3 State.

4 (6) Provision has been made for suitable quarters at
5 the location in the application.

6 Section 11. Subsection (6) of section 658.23, Florida
7 Statutes, is amended to read:

8 658.23 Submission of articles of incorporation;
9 contents; form; approval; filing; commencement of corporate
10 existence; bylaws.--

11 (6) A bank or trust company may not amend its articles
12 of incorporation without the prior written approval of the
13 department. ~~The department may not approve any amendment to
14 the articles of incorporation which requests a change in name
15 of the bank or trust company without evidence that the
16 proposed name has been reserved with the Department of State.~~

17 Section 12. Subsection (1) of section 658.235, Florida
18 Statutes, is amended to read:

19 658.235 Subscriptions for stock; approval of major
20 shareholders.--

21 (1) Within 6 months after commencement of corporate
22 existence, and at least 30 days prior to opening ~~the issuance
23 of stock~~, the directors shall have completed the stock
24 offering and shall file with the department a final list of
25 subscribers to all of the capital stock of the proposed bank
26 or trust company showing the name and residence of each
27 subscriber and the amount of stock of every class subscribed
28 for by each.

29 Section 13. Subsection (1) of section 658.25, Florida
30 Statutes, is amended to read:

31 658.25 Opening for business.--

1 (1) A bank or trust company corporation shall open and
2 conduct a general commercial bank or trust business no later
3 than 12 ~~6~~ months after the commencement of its corporate
4 existence. ~~For good cause shown, the department may extend~~
5 ~~the opening date for an additional period, not to exceed 6~~
6 ~~months, on its own motion or at the request of the bank or~~
7 ~~trust company.~~

8 Section 14. Section 658.26, Florida Statutes, is
9 amended to read:

10 658.26 Places of transacting business; branches;
11 facilities.--

12 (1) Any bank or trust company heretofore or hereafter
13 incorporated pursuant to this chapter shall have one main
14 office, which shall be located within the state.

15 (2)(a) In addition, with the approval of the
16 department and upon such conditions as the department
17 prescribes, any bank or trust company may establish branches
18 within or outside the state. With the approval of the
19 department upon a determination that the resulting bank or
20 trust company will be of sound financial condition, any bank
21 or trust company incorporated pursuant to this chapter may
22 establish branches by merger with any other bank or trust
23 company.

24 (b) An application for a branch by a bank that does
25 not meet the requirements for the branch notification process
26 shall be in writing in such form as the department prescribes
27 and be supported by such information, data, and records as the
28 department may require to make findings necessary for
29 approval. Applications filed pursuant to this subsection shall
30 not be published in the Florida Administrative Weekly but
31 shall otherwise be subject to the provisions of chapter 120.

1 Upon the filing of an application and a nonrefundable filing
2 fee for the establishment of any branch permitted by paragraph
3 (a), the department shall make an investigation with respect
4 to compliance with the requirements of paragraph (a) and shall
5 investigate and consider all factors relevant to such
6 requirements, including the following:

7 1. The sufficiency of capital accounts in relation to
8 the deposit liabilities of the bank, or in relation to the
9 number and valuation of fiduciary accounts of the trust
10 company, including the proposed branch, and the additional
11 fixed assets, if any, which are proposed for the branch and
12 its operations, without undue risk to the bank or its
13 depositors, or undue risk to the trust company or its
14 fiduciary accounts;

15 2. The sufficiency of earnings and earning prospects
16 of the bank or trust company to support the anticipated
17 expenses and any anticipated operating losses of the branch
18 during its formative or initial years;

19 3. The sufficiency and quality of management available
20 to operate the branch;

21 4. The name of the proposed branch to determine if it
22 reasonably identifies the branch as a branch of the main
23 office and is not likely to unduly confuse the public; and

24 5. Substantial compliance by the applicants with
25 applicable law governing their operations.

26 (3)(a) An office in this state may be relocated with
27 prior written approval of the department. An application for
28 relocation shall be in writing in such form as the department
29 prescribes and shall be supported by such information, data,
30 and records as the department may require to make findings
31 necessary for approval.

1 (b) Applications filed pursuant to this subsection
2 shall not be published in the Florida Administrative Weekly
3 but shall otherwise be subject to the provisions of chapter
4 120. ~~However, an application for the relocation of a main~~
5 ~~office that has not been in operation for at least 24 months~~
6 ~~shall be published in the Florida Administrative Weekly.~~ Upon
7 the filing of a relocation application and a nonrefundable
8 filing fee, the department shall investigate to determine
9 substantial compliance by the financial institution with
10 applicable law governing its operations. Additional
11 investments in land, buildings, leases, and leasehold
12 improvements resulting from such relocation shall comply with
13 the limitations imposed by s. 658.67(7)(a). A main office may
14 not be moved outside this state unless expressly authorized by
15 the financial institutions codes or by federal law.

16 (c) A relocation application, ~~filed by a strong,~~
17 ~~well-managed~~ state bank or trust company that is operating in
18 a safe and sound manner, which is not denied within 10 working
19 days after receipt shall be deemed approved unless the
20 department notifies the financial institution in writing that
21 the application was not complete.

22 (d) In addition to the application required by
23 paragraph (a), a financial institution whose main office in
24 this state has been in operation less than 24 months must
25 provide evidence that the criteria of s. 658.21(1) will be
26 met.

27 ~~(e) With 30 days' prior written notice, an established~~
28 ~~branch office may be consolidated with another established~~
29 ~~branch office when the two offices are located within a 1-mile~~
30 ~~radius. The notice shall include any information the~~
31 ~~department may prescribe by rule.~~

1 ~~(e)~~(f) A branch office may be closed with 30 days'
2 prior written notice to the department. The notice shall
3 include any information the department may prescribe by rule.

4 (4) With prior written notification to the department,
5 any bank may operate facilities which are not physically
6 connected to the main or branch office of the bank, provided
7 that the facilities are situated on the property of the main
8 or branch office or property contiguous thereto. Property
9 which is separated from the main or branch office of a bank by
10 only a street, and one or more walkways and alleyways are
11 determined to be, for purposes of this subsection, contiguous
12 to the property of the main or branch office.

13 (5) A bank may provide, directly or through a contract
14 with another company, off-premises armored car service to its
15 customers. Armored car services shall not be considered a
16 branch for the purposes of subsection (2).

17 (6)(a) Any state bank that is a subsidiary of a bank
18 holding company may agree to receive deposits, renew time
19 deposits, close loans, service loans, and receive payments on
20 loans and other obligations, as an agent for an affiliated
21 depository institution.

22 (b) The term "close loan" does not include the making
23 of a decision to extend credit or the extension of credit.

24 (c) As used in this section, "receive deposits" means
25 the taking of deposits to be credited to an existing account
26 and does not include the opening or origination of new deposit
27 accounts at an affiliated institution by the agent
28 institution.

29 (d) Under this section, affiliated banks may act as
30 agents for one another regardless of whether the institutions
31 are located in the same or different states. This section

1 applies solely to affiliated depository institutions acting as
2 agents, and has no application to agency relationships
3 concerning nondepositories as agent, whether or not affiliated
4 with the depository institution.

5 (e) In addition, under this section, agent banks may
6 perform ministerial functions for the principal bank making a
7 loan. Ministerial functions include, but are not limited to,
8 such activities as providing loan applications, assembling
9 documents, providing a location for returning documents
10 necessary for making the loan, providing loan account
11 information, and receiving payments. It does not include such
12 loan functions as evaluating applications or disbursing loan
13 funds.

14

15 ~~For the purposes of this section, a strong, well-managed state~~
16 ~~bank or trust company is an institution that has been in~~
17 ~~operation for at least 24 months, is well capitalized, has~~
18 ~~received a satisfactory rating at the institution's most~~
19 ~~recent state or federal safety and soundness examination, and~~
20 ~~is not the object of any enforcement action.~~

21 Section 15. Section 663.066, Florida Statutes, is
22 transferred and renumbered as section 658.285, Florida
23 Statutes.

24 Section 16. Paragraph (b) of subsection (4) of section
25 658.34, Florida Statutes, is amended to read:

26 658.34 Shares of capital stock.--

27 (4) With the approval of the department, a bank or
28 trust company may issue less than all the number of shares of
29 any of its capital stock authorized by its articles of
30 incorporation. Such authorized but unissued shares may be
31 issued only for the following purposes:

1 (b) To declare or pay a stock dividend, ~~with the~~
2 ~~approval of the department;~~ however, any such stock dividend
3 must comply with the provisions of this section and s. 658.37.

4 Section 17. Section 658.73, Florida Statutes, is
5 amended to read:

6 658.73 Fees and assessments.--

7 (1) Each state bank and state trust company shall pay
8 to the department examination fees and assessments as follows:

9 (a) A semiannual fee of \$2,500; and

10 (b) A semiannual assessment, each in such amount as
11 may be determined by the department, by rule, but not
12 exceeding 15 cents for each \$1,000 of total assets as shown on
13 the statement of condition of the bank or trust company as of
14 the last business day in June and the last business day in
15 December in each year. In its determination, the department
16 may consider examination fees and application fees received
17 from banks and trust companies in setting the semiannual
18 assessment for purposes of meeting the cost of regulation of
19 banks and trust companies subject to this chapter.

20 (2) Applications filed with the department shall be
21 accompanied by payment of the following nonrefundable fees:

22 (a) Fifteen thousand dollars for each application for
23 authority to organize a new state bank or state trust company.

24 (b) Two thousand five hundred dollars for each
25 application by an existing bank or association for trust
26 powers.

27 (c) Seven thousand five hundred dollars for each
28 application for authority to acquire a controlling interest in
29 a state bank or state trust company; however, if more than one
30 bank or trust company is being acquired in any such
31 application, the fee shall be increased by \$3,500 for each

1 additional bank or trust company. However, in no event shall
2 the fee exceed \$15,000.

3 (d) Seven thousand five hundred dollars for each
4 application for conversion of a national bank to a state bank.

5 ~~(e) Seven hundred fifty dollars for each application~~
6 ~~to establish a branch of a strong, well-managed state bank or~~
7 ~~trust company as defined in s. 658.26.~~ One thousand five
8 hundred dollars for each application to establish a branch by
9 any other state bank or state trust company that does not
10 qualify for the branch notification process.

11 (f) One thousand five hundred dollars for each
12 application for authority to establish a trust service office
13 of a state trust company or of a trust department of a state
14 bank or association, and a like amount for each application by
15 a bank or association with trust powers which is not a state
16 bank or state association for authority to establish a trust
17 service office at a state bank, state association, or state
18 credit union.

19 (g) Seven thousand five hundred dollars for each
20 application for a merger or consolidation; however, if three
21 or more banks or trust companies are involved in any such
22 application, the fee shall be \$3,500 for each involved
23 institution. However, in no event shall the fee exceed
24 \$15,000.

25 (h) Two thousand five hundred dollars to establish a
26 successor institution.

27 (i) Seven ~~Two~~ hundred fifty dollars for each
28 application by a ~~strong, well-managed state bank or trust~~
29 ~~company, as defined in s. 658.26, to relocate the main office~~
30 ~~of a state bank or a state trust company.~~ Each other state
31 bank or trust company not operating in a safe and sound manner

1 ~~shall pay a fee of \$750 for each application~~ for relocation of
2 its main office.

3 (j) Two thousand five hundred dollars for each
4 application for the purchase of assets and the assumption of
5 liabilities. ~~If, as a result of such application, the~~
6 ~~applicant will establish more than 10 branch offices within~~
7 ~~this state, an application fee of \$100 is required for each~~
8 ~~additional branch office.~~

9 (3)~~(a)~~ If, as a result of any application filed with
10 the department, the department determines that an examination
11 is necessary to assess the financial condition of any
12 financial institution, the applying financial institution
13 shall pay to the department a nonrefundable examination fee,
14 pursuant to s. 655.045(1).

15 ~~(b) The department may refund up to one-half of the~~
16 ~~fee submitted with an application if the application is~~
17 ~~withdrawn by the applicant prior to publication in the Florida~~
18 ~~Administrative Weekly.~~

19 (4) Each state bank and state trust company shall pay
20 to the department \$25 for each "certificate of good standing"
21 certifying that a state-chartered financial institution is
22 licensed to conduct business in this state under the financial
23 institutions codes. All such requests shall be in writing. The
24 department shall waive this fee when the request is by a state
25 or federal regulatory agency or law enforcement agency.

26 (5)~~(4)~~ The amounts of all fees and assessments
27 provided for in this section shall be deemed to be maximum
28 amounts; and the department has the authority to establish, by
29 rule, and from time to time to change, fees and assessments in
30 amounts less than the maximum amounts stated in this section.

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1 Section 18. Subsection (2) of section 663.09, Florida
2 Statutes, is amended to read:

3 663.09 Reports; records.--

4 (2) The international banking corporation of each
5 state-licensed international bank agency or international
6 branch shall perform or cause to be performed an audit of such
7 international bank agency or international branch. The
8 department shall, by rule, prescribe the minimum audit
9 procedures including the audit reporting requirements which
10 would satisfy the provisions of this subsection. ~~The late~~
11 ~~submission of an audit shall be subject to the imposition of~~
12 ~~the administrative fine prescribed by s. 655.045(2)(b).~~

13 Section 19. Subsection (5) of section 658.48, Florida
14 Statutes, is amended to read:

15 658.48 Loans.--A state bank may make loans and
16 extensions of credit, with or without security, subject to the
17 following limitations and provisions:

18 (5) SPECIAL PROVISIONS.--

19 (a) A limitation of 25 percent of the capital accounts
20 of the lending bank applies to the aggregate of all loans made
21 to a corporation together with all loans secured by shares of
22 stock, bonds, or other obligations of the same corporation,
23 unless the stocks or bonds are listed and traded on a
24 recognized stock exchange or are registered under the
25 Securities Exchange Act of 1934 or are registered with the
26 Board of Governors of the Federal Reserve System, with the
27 Federal Deposit Insurance Corporation, or with the Comptroller
28 of the Currency, in which case no aggregate loan limit
29 applies.

30 (b) A limitation of 15 percent of the capital accounts
31 of the lending bank applies to loans made to any one borrower

1 on the security of shares of capital stock listed and traded
2 on a recognized exchange.A limitation of 10 percent of the
3 capital accounts of the lending bank applies to loans made to
4 any one borrower on the security of shares of capital stock
5 not listed on a recognized exchange or the obligations
6 subordinate to deposits of another bank. A limitation of 25
7 percent of the capital accounts of the lending state bank
8 applies to the aggregate of all loans secured by the shares of
9 capital stock or the obligations subordinate to deposits of
10 any one bank.

11 (c) No loan shall be made by a bank:

12 1. On the security of the shares of its own capital
13 ~~stock, of stock of its own one-bank holding company,~~ or of its
14 obligations subordinate to deposits.

15 2. On an unsecured basis for the purpose of the
16 purchase of shares of its own capital stock, ~~stock of its own~~
17 ~~one-bank holding company,~~ or its obligations subordinate to
18 deposits.

19 3. On a secured or unsecured basis for the purpose of
20 the purchase of shares of the stock of its one-bank holding
21 company.

22 (d) A one-bank holding company bank may make loans on
23 its own one-bank holding company stock. For capital stock that
24 is listed and traded on a recognized exchange, the stock may
25 not be valued at more than 70 percent of its current market
26 value, and for capital stock that is not listed and traded on
27 a recognized exchange, the stock may not be valued at more
28 than 70 percent of its current book value.

29 (e) ~~(d)~~ Loans based upon the security of real estate
30 mortgages shall be documented as first liens, except that
31 liens other than first liens may be taken:

- 1 1. To protect a loan previously made in good faith;
2 2. To further secure a loan otherwise amply and
3 entirely secured;
4 3. As additional security for Federal Housing
5 Administration Title 1 loans or loans made with participation
6 or guaranty by the Small Business Administration;
7 4. To secure a loan not in excess of 15 percent of the
8 capital accounts of the bank; or
9 5. As provided by rules of the department.
- 10 ~~(f)(e)~~ In computing the total liabilities of any
11 person, there shall be included all loans endorsed or
12 guaranteed as to repayment by such person and by any related
13 interest of such person.
- 14 ~~(g)(f)~~ All loan documentation shall be written in the
15 English language or contain an English translation of foreign
16 language provisions.
- 17 Section 20. Effective July 1, 2001, section 655.81,
18 Florida Statutes, is repealed.
- 19 Section 21. Paragraph (b) of subsection (3) of section
20 655.82, Florida Statutes, is amended to read:
21 655.82 Pay-on-death accounts.--
22 (3) In an account with a pay-on-death designation:
23 (b) On the death of the sole party or the last
24 survivor of two or more parties, sums on deposit belong to the
25 surviving beneficiary or beneficiaries. If two or more
26 beneficiaries survive, sums on deposit belong to them in equal
27 and undivided shares, and, unless otherwise provided in a
28 depository agreement written between December 31, 1994, and
29 July 1, 2001, there is no right of survivorship in the event
30 of death of a beneficiary thereafter. If no beneficiary
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1 survives, sums on deposit belong to the estate of the last
2 surviving party.

3 Section 22. Except as otherwise expressly provided in
4 this act, this act shall take effect upon becoming a law.

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